

Application No. 10/069,786

Atty. Dkt. No. 048662-0130

REMARKS

Claims 1-12 were pending in the application. Claims 1, 2 and 10 have been amended. Claims 3 and 11 have been canceled. Therefore, claims 1, 2, 4-10 and 12 are now pending in the application. Reconsideration of the application is requested for at least the reasons that follow.

Applicants appreciate the Examiner's acknowledgement of the claim for foreign priority and the Information Disclosure Statement filed June 21, 2002 (Paper No. 4).

Prior Art RejectionsClaims 1, 2 and 5-10: Corniglion

Claims 1, 2, 5-8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,107,010 (hereinafter "Corniglion"). In addition, Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Corniglion. Applicants respectfully traverse this rejection for at least the following reasons.

Claim 1 has been amended to include the limitations of claim 3. As stated in the Office Action, the subject matter of claim 3 is not rejected by Corniglion. For example, Corniglion at least does not disclose, teach or suggest a card-shaped data carrier "wherein each layer has a different absorption capacity for at least one wavelength ( $\lambda \pm \Delta\lambda$ ), and wherein the absorption capacity of at least one layer for at least one wavelength ( $\lambda \pm \Delta\lambda$ ) is at least partly reduced as a result of the laser radiation," as recited by claim 1. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection.

Claims 2 and 5-9 depend from claim 1 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable limitations set forth in these dependent claims.

Claim 10 has been amended to include the limitations of claim 11. The subject matter of claim 11 is not rejected by Corniglion, as stated in the Office Action. For example, Corniglion at least does not disclose, teach or suggest a method for applying information to card-shaped data carriers with "two or more layers which have a respectively different

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absorption capacity for at least one wavelength ( $\lambda \pm \Delta\lambda$ ), and the absorption capacity of at least one layer for at least one wavelength ( $\lambda \pm \Delta\lambda$ ) is at least partly reduced as a result of the laser radiation," as recited by claim 10. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection.

Claims 1, 3, 4 and 10-12: Holbein

Claims 1, 3, 4 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,732,410 (hereinafter "Holbein"). Applicants respectfully traverse this rejection for at least the following reasons.

Claim 1 recites, among other things, a card-shaped data carrier "wherein each layer has a different absorption capacity for at least one wavelength ( $\lambda \pm \Delta\lambda$ ), and wherein the absorption capacity of at least one layer for at least one wavelength ( $\lambda \pm \Delta\lambda$ ) is at least partly reduced as a result of the laser radiation," as recited by claim 1. Holbein does not teach or suggest, among other things "two or more layers into which visually readable information is introduced in the form of a change in the *optical property* on the basis of a material change effected irreversibly by a laser beam *while preserving the surface of the card-shaped data carrier*," as recited by claim 1. On the contrary, Holbein teaches a method of producing an identification card by having "part of the color layers [being] *vaporized off or removed*." (Holbein at col. 4, lines 64-66, emphasis added). Applicants submit that Holbein does not teach changing the "optical property" of a layer. Rather, Holbein teaches a method whereby the structure of the card is changed, not just the optical properties. The layers are vaporized off or removed, thus changing the surface of the identification card. Furthermore, the method of Holbein is different because the sequence of layers in Holbein is important. The layers of Holbein are "vaporized off or removed" and, thus, the adjacent layers of the top layer must be sequenced properly in order to attain the appropriate color. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection.

Claim 4 depends from claim 1 and is allowable therewith, for at least the reasons set forth above, without regard to the further patentable limitations set forth in this dependent claim.

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Claim 10 recites, among other things, a method for applying information to card-shaped data carriers with "two or more layers which have a respectively different absorption capacity for at least one wavelength ( $\lambda \pm \Delta\lambda$ ), and the absorption capacity of at least one layer for at least one wavelength ( $\lambda \pm \Delta\lambda$ ) is at least partly reduced as a result of the laser radiation." The rejection of claim 10 should be withdrawn because Holbein fails to disclose, teach or suggest "the card-shaped data carrier having at least one layer into which visually readable information is introduced in the form of a change in an *optical property* on the basis of a material change effected irreversibly by a laser beam while preserving the surface of the card-shaped data carrier," as recited by claim 10. As stated above, Holbein does not change the *optical property* of the layer while preserving the surface of the identification card, but rather teaches a method of producing an identification card by having "part of the color layers [being] *vaporized off or removed*." (Holbein at col. 4, lines 64-66, emphasis added). Thus, Holbein damages or changes the surface of the identification card. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection.

Claim 12 depends from claim 10 and is allowable therewith, for at least the reasons set forth above, without regard to the further patentable limitations set forth in this dependent claim.

#### Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

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The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 9/23/04By 

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